

REMARKS

By the present Amendment, claims 1-8 are cancelled and claims 9-19 are added to clarify the claims. This leaves claims 9-19 pending in the application, with claims 9 and 19 being independent.

Substitute Specification

The specification is revised to eliminate grammatical and idiomatic errors in the originally presented specification, and to add an Abstract of the Disclosure. The number and nature of the changes made in the specification would render it difficult to consider the case and to arrange the papers for printing or copying. Thus, the substitute specification will facilitate processing of the application. The substitute specification includes no "new matter". Pursuant to M.P.E.P. § 608.01(q), voluntarily filed, substitute specifications under these circumstances should normally be accepted. A marked-up copy of the original specification is appended hereto.

Rejections Under 35 U.S.C. § 112

Original claims 1 and 2 stand rejected under 35 U.S.C. § 112, first paragraph on the ground that the specification does not provide adequate information on how to make and use the invention with "SU-9182 (Firma Stahl)". However, as indicated in the appended publication of Stahl on the product SU-9182, this product is known. Thus, one skilled in the art would know how to practice the invention using this known product, once advised of the product name and its supplier as provided in this application.

Original claim 5 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite on the ground that “thin” fails to provide an objective comparison. New claims 14 and 15 generally correspond to original claim 5. In these new claims “thin” is not included, obviating this rejection.

The phrase “can be” is not included in the newly submitted claims, particularly claims 17 and 18 which correspond to original claims 7 and 8. Thus, this objection is obviated.

Accordingly, the specification and claims are now adequately supported, definite and comply with 35 U.S.C. § 112.

Rejections Under U.S.C. § 102 and § 103

Claim 9 covers a method for producing a foam body part 1 having at least one adhesive closing part 3 with adhering elements 5. The method comprises the steps of arranging an adhesive closing part 3 in a foaming mold 9 for forming a foam body part 1. The adhering elements on the adhesive closing part are protected against penetration of foam by arranging a foam adhering covering 15 on a side of the adhesive closing part opposite the adhering elements. The foam adhering covering has a predetermined border width overlapping and extending beyond a surface area of the adhering elements. The foam inhibiting covering is brought into detachable contact with parts of the foaming mold by permanent magnets 17 or 21 in parts of the foaming mold attracting a ferromagnetic coating extending throughout the entire foam-inhibiting covering. The permanent magnets are layered to cooperate with the border of the covering overlapping the surface of the adhering elements.

Performing the claimed method in this manner, particularly by using a ferromagnetic coating which extends throughout the entire foam-inhibiting covering, facilitates the method by simplifying and expediting the location and the coordination of the ferromagnetic material relative to the magnets. Precise location and coordination of the ferromagnetic material within the mold is not required by the process of the present invention since the ferromagnetic coating is throughout the entire foam-inhibiting covering and not merely in portions thereof. Additionally, the present invention ensures that the attachment will be about the entire border, not just on the lateral sides of the covering. Further, the covering can be shaped by cutting to any desired configuration without loss of the ferromagnetic coating about the entire border of the covering to ensure a complete sealing against foam entrance into the adhering elements.

Original claims 1, 6 and 7 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,654,070 to Billarant. In support of the rejection, the Billarant strips 19 and 20, provided about the borders of the covering, are cited as a ferromagnetic layer or coating on covering layer or base 11. Additionally, sealing strips 19 and 20, in being adhered together with side flanges 12 and 13 of the covering are alleged to form one unit and one component part of the covering.

The Billarant patent discloses, particularly in connection with Fig. 4, a fastener assembly 10 having a base 11 of molded plastic material with outwardly extending hooks 14 on one surface and anchors 16 on an opposite surface. The anchors 16 secure fastener assembly 10 to the foam molded article. Hooks 14 mate with complementary patches 15 on a cover for the seat cushion. The plastic material forming base 11 has opposing side flanges 12 and 13 which support magnetically attractable side seals 19 and 20. The side seals are attached by a suitable

adhesive to flanges 12 and 13, respectively, and extend only along the side edges of the base 11 from one end to the other. The magnetic material 19 and 20 of the Billarant patent does not extend throughout the entire foam inhibiting covering or base 11, and particularly does not extend across the opposite longitudinal ends of the strip of base material.

By locating the magnetic material only on the longitudinal side edges, the lateral width of the Billarant strip fastener cannot be varied without adversely affecting the magnetic seal. Additionally, since no seal is provided at the longitudinal ends, foam can seep therein rendering hooks 14 at the ends inoperative. With the magnetic seals only located on the side edges, the seals must be precisely located relative to the magnets in the mold to ensure a proper seal. This precise positioning takes time and renders the method more difficult to perform.

In this manner, the method of the present claimed invention is performed differently and provides a different product.

The deficiencies noted above with respect to the Billarant patent are not cured by the allegedly admitted prior art in the specification or WO 86/03164 to Provost. While the specific material used for forming the covering of the present invention is a known material, no evidence supports the allegation that it would be obvious to use such material in the Billarant fastener assembly as a substitute for the side seals 19 and 20. Only Applicant's disclosure provides that teaching, such that the proposed rejection is based improperly on a hindsight reconstruction of the prior art in view of the Applicant's own disclosure.

The Provost patent is merely cited for the use of polyurethane as an adhesive for connecting a covering element with a closing part. Thus, the Provost disclosure does not teach a

ferromagnetic coating extending throughout the entire foam-inhibiting covering for use in the method of the present claimed invention.

Accordingly, claim 9 is patentably distinguishable over the cited patents by a ferromagnetic coating extending throughout the entire foam-inhibiting covering. Such feature, particularly within the overall claimed method, is not anticipated by the Billarant patent or rendered obvious by the Billarant patent in view of the statements made in Applicant's specification or in view of the Provost patent document.

Claims 10-18, being dependent upon claim 9, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the polyurethane with added iron particles of claim 10, the adhesive layer of claim 11, the covering of claims 12 and 13, the felt of claim 14, the fleece of claim 15, the placement of the adhering elements in a recess and the border overlapping the recess of claim 16, the use of the mold part in claim 17, and the use of the foam body part and fleece or felt of claim 18 are not anticipated or obvious, particularly within the overall claimed combination. In this connection, it is noted that the subject matter of claims 14, 15 and 18 is already indicated as being allowable.

Claim 19 is drafted as a combination of original claims 1 and 5, with revisions to avoid the rejections under 35 U.S.C. § 112. Since such a claim has been previously indicated as being allowable, claim 19 should also now be allowable.

In view of the foregoing, claims 9-19 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,

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